

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

WILLIAM J. SATTERFIELD,

PLAINTIFF,

vs.

**PATRICK J. MALLOY, III; JOHN DOE;
and RICHARD ROE,**

DEFENDANTS.

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CASE No. 10-CV-03-TCK-FHM

OPINION AND ORDER

Patrick J. Malloy III's Motion for Protective Order [Dkt. 25] is before the Court for decision. Plaintiff has filed a response. [Dkt. 29]. No reply has been filed.

Malloy seeks a determination that he is not required to respond to written discovery from Plaintiff or submit to a deposition. Plaintiff contends this discovery is necessary to enable Plaintiff to identify Defendants John Doe and Richard Roe so that service may be made on these Defendants.

The written discovery is broad merits discovery not focused on identifying Defendants Doe and Roe. Moreover, since Malloy has been dismissed from the case, written discovery to Malloy is not proper. The Motion for Protective Order is granted as to the written discovery.

The Court will allow Plaintiff to take a narrowly focused deposition of Malloy regarding the identities of Doe and Roe. This deposition shall not extend to the merits of the case. The Motion for Protective Order is denied as to the limited deposition of Malloy.

Plaintiff shall conduct the deposition of Malloy and file proof of service on Defendant's Doe and Roe by November 1, 2011. Failure of Plaintiff to file proof of service by November 1, 2011, may result in dismissal of this case.

Patrick J. Malloy III's Motion for Protective Order [Dkt. 25] is GRANTED IN PART and DENIED IN PART as set forth herein.

SO ORDERED this 1st day of September, 2011.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE